

CENTRAL INTELLIGENCE AGENCY

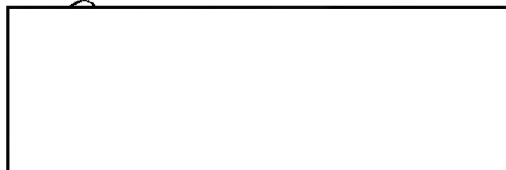
Office of Legislative Counsel
Washington, D. C. 20505

Telephone: [redacted]
25 October 1978

TO: Mr. Timothy Ingram, Staff Director
Subcommittee on Government Information
and Individual Rights
~~Committee on Government Operations~~
B 349 C Rayburn House Office Building
Washington, D.C. 20515

Dear Tim:

Returned herewith is the
transcript of Mr. Lapham's
testimony with corrections.
Please see clips.



Enclosure

FORM 1533 OBSOLETE
6-68 PREVIOUS EDITIONS

(40)

OLC 78-5326/a

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upf. 1-11-11
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Select Committee on Assassinations

U.S. House of Representatives

3369 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

(202) 225-4624

October 25, 1978

Mr. Scott Breckinridge
Principal Coordinator/HSCA
Office of Legislative Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Breckinridge:

In connection with the investigation of the House Select Committee on Assassinations into the death of President John F. Kennedy, this will respond to your letters of August 22, 1978 and October 13, 1978. You stated in your letter of August 22nd that Section C, IV of our Memorandum of Understanding "commits the Committee to provide the Agency with sworn statements of all current Agency employees." I believe you have read Section IV of our Memorandum of Understanding incorrectly. The section provides as follows:

IV. Transcripts of Statements Under Oath

A steno-typist from either the Committee or the CIA will make a verbatim record of all statements of current CIA personnel taken under oath. One copy of the record will be made available to the Committee and the other to the CIA in accordance with the Rules of the Committee. (emphasis supplied)

The Committee consequently, pursuant to that portion of the Memorandum of Understanding, will make available to the CIA a transcript of any statement under oath "in accordance with the Rules of the Committee." The Rules of the Committee, a copy of which is enclosed for your convenience, provide in Rule 11.5 that "executive session transcripts...may not be released or disclosed... without the consent of a majority of the Committee."

Mr. Scott Breckinridge

October 25, 1978

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Executive session testimony, consequently, cannot be released without a vote of our Full Committee. If there are executive session transcripts of any agency personnel which the Agency desires a copy of, please submit a list of these individuals to the Committee, and the Committee will consider your request on a case-by-case basis.

Concerning the depositions that have been taken of Agency personnel by counsel on our staff, the first point to note is that Committee Rule 4.2 provides that "the person giving a statement" is entitled to a copy of the statement. The Committee Rule does not entitle the Agency to a copy of that statement, and consequently the Memorandum of Understanding would not entitle the Agency to a copy of that statement. Further, each agency employee who gave a statement under oath, on the record, waived his or her right to receive a copy of that statement as provided for in Committee Rule 4.2. This procedure was employed so that the transcript of the deposition could be treated, as was intended, as executive session material. I think it important to emphasize that the Agency and the Committee agreed that depositions would be used in lieu of executive session testimony of the individual. It was for the convenience of both the Agency and the Committee that statements under oath were taken as opposed to formal executive session testimony. It was understood that these statements under oath would be treated just like executive session testimony. Accordingly, the transcripts of all the depositions we have taken of Agency personnel will be treated like the executive session testimony of Agency personnel. In this regard, should the agency desire a copy of the transcript of any statement under oath by an Agency employee which was given during a deposition, please forward such a request to the Committee, and it will be considered by the Committee on a case-by-case basis.

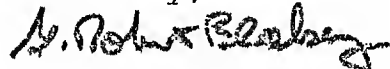
Mr. Scott Breckinridge

October 25, 1978

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The Committee has not, as you stated in your August 22nd letter, "overlooked" complying with our Memorandum of Understanding by failing to provide the Agency copies of any deposition. The Committee has merely not previously received a request from the Agency for copies of any specific deposition so that the Committee might take a formal vote upon whether or not to release it in accordance with our Committee Rules. As I have indicated, we shall be glad to consider any such request which is received. If you desire for the Committee to consider your letter of August 22nd as a formal request for copies of all depositions taken by counsel on our Committee, please confirm this in writing so that your request may be acted upon by the Committee in accordance with our Committee Rules and our Memorandum of Understanding.

Sincerely,



G. Robert Blakey
Chief Counsel and Director

GRB:jwc
Enclosure

COMMITTEE RULES
OF THE
SELECT COMMITTEE ON ASSASSINATIONS
U.S. HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS

APRIL 11, 1978



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